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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

TASER INTERNATIONAL, INC., <i>et al.</i> ,	)	
	)	Case No.: 1:10-CV-03108-JOF
Plaintiffs,	)	
	)	
v.	)	[On removal from the State
	)	Court of Fulton County,
MORGAN STANLEY & CO., INC., <i>et al.</i> ,	)	Georgia Case No.:
	)	2008-EV-004739-B]
Defendants.	)	
	)	

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**PLAINTIFFS' RESPONSE TO DEFENDANTS' FIFTH REQUEST TO THE  
PLAINTIFFS FOR PRODUCTION OF DOCUMENTS**

Plaintiffs hereby submit their Response To Defendants' Fifth Request To

The Plaintiffs For Production Of Documents as follows:<sup>1</sup>

**REQUEST FOR PRODUCTION OF DOCUMENTS AND RESPONSE**

1. That certain notebook or binder (including all of its contents) delivered to and served on counsel for the Defendants (and also delivered to the Court) by counsel for the Plaintiffs in open court at the time of the hearing before the Court on August 17, 2010, reviewed by Defendants' counsel, and thereafter removed by Plaintiffs' counsel from Defendants' counsel's table at some time after the conclusion of the hearing.

The Defendants request that the Plaintiffs expedite their response to this request. Absent a response and production of the notebook or binder within five (5) calendar days of service of this request, the Defendants will seek an order from the Court directing an expedited response and production.

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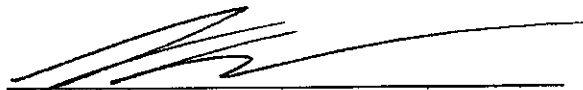
<sup>1</sup> Plaintiffs believe that the removal of this case was improper. Consequently, Plaintiffs do not agree or consent to the removal or the jurisdiction of this Court.

**RESPONSE:**

Plaintiffs object to this Request on the ground that it seeks to require Plaintiffs to respond in a timeframe inconsistent with the Georgia Civil Practice Act or the Federal Rules of Civil Procedure. Plaintiffs will only provide a response as is required by law and object to Defendants seeking to circumvent the Civil Practice Act or the Federal Rules of Civil Procedure in order to obtain a strategic advantage in litigation. Plaintiffs object to this Request on the grounds that there are no responsive documents to the extent that the Defendants seek the return of a notebook that was “served on counsel” and no such notebook was formally served upon counsel. Plaintiffs further object to this Request because it is harassing, oppressive and prejudicial because it seeks the production of documents intended to be used with an argument before that argument has taken place. Plaintiffs note that they have provided to Defendants the portion of the notebook presented at the August 17, 2010 hearing that were actually used and formally presented to the Court. Plaintiffs also object to this Request on the ground that it misstates the facts regarding the notebook.

Plaintiffs request a meet and confer with Defendants regarding this Request to determine whether they can work out this dispute without the Court's intervention.

Respectfully submitted, this 15<sup>th</sup> day of October, 2010.



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***ATTORNEYS FOR PLAINTIFFS***

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this day, a true and correct copy of the foregoing **PLAINTIFFS' RESPONSE TO DEFENDANTS' FIFTH REQUEST TO THE PLAINTIFFS FOR PRODUCTION OF DOCUMENTS** was served via email and United States mail to the following:

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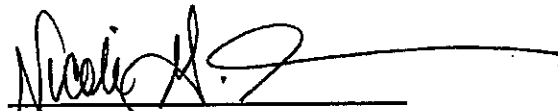
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This 15<sup>th</sup> day of October, 2010.

A handwritten signature in black ink, appearing to read "Nicole G. Iannarone", written over a horizontal line.

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